

### **REMARKS/ARGUMENTS**

This Amendment is in response to the Office Action mailed March 21, 2008. Claims 1-12 were pending in the present application. This Amendment amends claims 1 and 3-12, and cancels claim 2 without prejudice, leaving pending in the application claims 1 and 3-12. Applicants submit that no new matter has been introduced by virtue of these amendments.

Reconsideration of the rejected claims in view of the foregoing amendments and the following remarks is respectfully requested.

#### **Objection to the Drawings**

The drawings are objected to as failing to comply with 37 C.F.R. 1.84(p)(5) because they include the following reference characters not mentioned in the Specification: 310, 501, 502, 508, 540, 542, 544, and 1210.

The Specification has been amended to add the reference characters identified above. No new matter has been added. Accordingly, the objection to the drawings is believed to be overcome.

#### **Objection to the Specification**

The Specification is objected to for an informality. The Specification has been amended accordingly. Accordingly, the objection to the Specification is believed to be overcome.

#### **35 U.S.C. §112 Rejection of Claims 1-12**

Claims 1-12 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In particular, the Office Action asserts “the content of the ‘audit system’ described in claim 1 is indeterminable and needs to be claimed with more clarity. Examiner is confused as to whether the claimed invention is software, method or an actual system.” (Office Action: pgs. 3-4).

Although Applicants disagree with the rejection, in order to expedite prosecution Applicants have amended claim 1 to recite the structural features of a “storage component” and “at least one processing component.” In addition, Applicants have removed the term “audit manager.” Applicants submit that these amendments clarify that claim 1 is directed to a physical system. Accordingly, the Section 112 rejection of claim 1 (and the claims that depend therefrom) is believed to be overcome.

### **35 U.S.C. §101 Rejection of Claims 1-12**

Claims 1-12 are rejected under 35 §U.S.C. 101 because the claimed invention does not produce a useful, concrete and tangible result. In particular, the Office Action asserts “the invention comprises the steps of... but never produces a result based on the steps...” (Office Action: pg. 4).

Although Applicants disagree with the rejection, in order to expedite prosecution Applicants have amended claim 1 to recite the additional feature of “creat[ing] a report identifying at least one employee in the set of employees that is simultaneously assigned to business functions that are identified as incompatible as per the at least one business function incompatibility.” Applicants submit that the creation of this report establishes a specific and substantial utility for claim 1, because it “ensures that functions are segregated among employees according to the incompatibilities listed in [incompatibility] registry 1300.” (Specification: para. 120). Accordingly, the Section 101 rejection of claim 1 (and the claims that depend therefrom) is believed to be overcome.

### **35 U.S.C. §103(a) Rejection of Claims 1-12**

Claims 1-12 are rejected as being unpatentable over Casati et al. (U.S. Publication No. 2002/0174093, hereinafter “Casati”), in view of Morinville (U.S. Patent No. 7,185,010, hereinafter “Morinville”), and in further in view of Paulus et al. (U.S. Patent No. 7,246,137, hereinafter “Paulus”). Applicants respectfully traverse the rejection.

Applicants’ independent claim 1, as amended, recites an audit system comprising:  
a storage component configured to store:

a set of business processes describing the operations of an enterprise, each business process including one or more business functions, each business function being assigned to one or more employees in a set of employees; and

a compatibility registry including a set of business function incompatibilities, each business function incompatibility identifying at least two business functions that should not be simultaneously assigned to a single employee; and

at least one processing component in communication with the storage component, the at least one processing component being configured to:

compare at least one business function incompatibility in the compatibility registry with the business functions assigned to each employee in the set of employees; and

create a report identifying at least one employee in the set of employees that is simultaneously assigned to business functions that are identified as incompatible as per the at least one business function incompatibility.

(Applicants' independent claim 1, as amended, emphasis added).

Applicants submit that claim 1 is not rendered obvious by Casati, Morinville, or Paulus, considered individually or in combination. For example, the combination of Casati, Morinville, and Paulus fails to teach or suggest “a set of business function incompatibilities, each business function incompatibility identifying at least two business functions that should not be simultaneously assigned to a single employee” as recited in claim 1.

The Office Action does not identify any section of Paulus that teaches a “set of business function incompatibilities...” as recited in claim 1. However, the Office Action asserts that this feature is shown in Casati at paragraphs 35 and 36, and in Morinville at column 6, lines 26-55 and 57-62. (Office Action: pgs. 6-7). Applicants respectfully disagree.

Casati is directed to a method for predicting the outcome of a business process. (Casati: para. 6). The method includes logging execution data for different instantiations of the process. (Casati: para. 25). The logged execution data is then analyzed to identify patterns that occur during process execution, thereby enabling prediction of process execution quality and workload on the system and/or on a specific resource. (Casati: para. 34).

The cited section of Casati states:

Analyzing the workflow warehouse with data mining techniques can reveal that a specific resource fails or is incapable of meeting process requirements under certain conditions

which are not otherwise obvious to the observer and may in fact be inter-related with conditions seemingly unrelated to the resource. Generally, these techniques may identify conditions for which process execution quality departs from typical or average quality or is incapable of meeting a service level agreement...

For example, if one machine is not performing properly, the audit log database and the warehouse must have resource assignment information to identify the problem (causation).

(Casati: paras. 35-36).

As best understood, the above section merely indicates that the logged execution data for a given process may be used to identify “underperforming” resources assigned to that process. For example, the logged execution data may indicate that an assigned resource fails or is incapable of meeting quality standards/requirements for the process. Applicants submit that this is completely unrelated to a set of business function incompatibilities, where each business function incompatibility identifies at least two business functions that should not be simultaneously assigned to a single employee as recited in claim 1. As an initial matter, Applicants note that the cited section of Casati describes a relationship between a single business process and one or more resources assigned to that business process. In contrast, the business function incompatibility recited in claim 1 corresponds to a relationship between two or more business functions and an employee. Accordingly, the cited section of Casati cannot be properly construed as teaching a business function incompatibility that identifies at least two business functions as recited in claim 1.

Further, nowhere does the cited section of Casati indicate that the business processes described therein should not be simultaneously assigned to a single resource (e.g., employee). Rather, the cited section merely indicates that certain resources may be problematic for a specific process. Since Casati does not teach anything about a business function incompatibility between at least two business functions and a single employee, let alone a business function incompatibility that specifically indicates that the at least two business functions should not be simultaneously assigned to the single employee, Casati fails to teach or suggest “a set of business function incompatibilities, each business function incompatibility identifying at least two business functions that should not be simultaneously assigned to a single employee” as recited in claim 1.

The deficiencies of Casati in this regard are not remedied by Morinville. Morinville is directed to techniques for inheriting access/approval rules for business processes within an organization. (Morinville: Abstract). The cited section of Morinville states that an organization may including a hierarchical organizational structure of positions within the organization. Each position is associated with a role, which is used to control access to business processes and information. (Morinville: col. 6, lines 26-29). The access/approval rules associated with a given role are then inherited from one user to another via the hierarchical organizational structure. (Morinville: col. 7, lines 36-38).

Thus, at best, Morinville merely teaches the general notion of inheriting access/approval rules pertaining to business processes via a hierarchical structure. Applicants have not found (and the Office Action does not identify) any section of Morinville that teaches the specific concept of a set of business function incompatibilities, where each business function incompatibility identifies at least two business functions that should not be simultaneously assigned to a single employee as recited in claim 1.

Applicants note that col. 6, lines 45-67 of Morinville describe various rules that may apply to organizational positions. However, these rules are merely structural rules that are used to control the nodal structure of the organizational hierarchy. For example, these rules indicate that each node (*i.e.*, position) in the hierarchy must have one and only one parent node, *etc.* Accordingly, these structural rules are unrelated to any business process or business function (and are unrelated to the access/approval rules that are inherited via the hierarchy). Further, Morinville indicates that these structural rules apply (or do not apply) to a given position in the organizational hierarchy, regardless of which other rules are applied to that position. Nowhere does Morinville indicate that a structural rule should, or should not apply, based on what other structural rules are simultaneously assigned to a position. Accordingly, Morinville fails to teach or suggest “a set of business function incompatibilities, each business function incompatibility identifying at least two business functions that should not be simultaneously assigned to a single employee” as recited in claim 1. (Emphasis added).

Further, since Casati, Morinville, and Paulus fail to teach anything about the recited business function incompatibilities of claim 1, these references necessarily fail to teach or

suggest “compar[ing] at least one business function incompatibility in the compatibility registry with the business functions assigned to each employee in the set of employees” and “creat[ing] a report identifying at least one employee in the set of employees that is simultaneously assigned to business functions that are identified as incompatible as per the at least one business function incompatibility” as recited in claim 1. (Emphasis added).

For at least the foregoing reasons, even if Casati, Morinville, and Paulus were combined (although there appears to be no rationale for combining), the resultant combination would not teach or suggest all of the features of Applicants’ claim 1. Accordingly, Applicants respectfully submit that claim 1 is allowable over the cited art.

Dependent claim 2 has been canceled without prejudice, and thus the rejection of claim 2 is moot.

Dependent claims 3-12 depend (either directly or indirectly) from independent claim 1, and are thus believed to be allowable over the cited art for at least a similar rationale as discussed for claim 1, and others.

### **Amendments to the Claims**

Unless otherwise specified, amendments to the claims are made for purposes of clarity, and are not intended to alter the scope of the claims or limit any equivalents thereof. The amendments are supported by the Specification and do not add new matter.

### **CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

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Amdt. dated June 23, 2008  
Reply to Office Action of March 21, 2008

PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

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